

REMARKS

The office action states that "The status of claims section fails to provide status of all claims filed in the application. The appellant may choose to submit only the defective section of the brief; an entire new brief is not required." The prior appeal brief section "**37 CFR 41.37(c)(1)(iii) - STATUS OF CLAIMS**" stated that "Claims 50-89 are pending and rejected. The rejections of all of claims 50-89 are being appealed.." That statement did not state that claims 1-49 were canceled. The appellant presumes that is the error to which the office action relates. A repayment section is provided on the following page, in response to the requirement.

3. **37 CFR 41.37(c)(1)(iii) - Status of Claims - A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed.**

Claims 50-89 are pending and rejected. The rejections of all of claims 50-89 are being appealed. Claims 1-49 are canceled.

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Respectfully Submitted

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